

(42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYD

O.A.NO.359 of 1993.

Between

Dated: 12.9.1995.

S.Raghuraman

...

Applicant

1. Senior Divisional Personnel Officer, South Central Railway,
Vijayawada.
2. Senior Divisional Personnel Officer, South Central Railway,
Guntakal.

...

Respondents

Counsel for the Applicant

: Sri. G.V.Subba Rao

: Sri. G.V.Mallik Reddy, SC for R

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

Contd:....2/-

J U D G M E N T

[as per Hon'ble Sri R.Rangarajan, Member(Administrative)]

Heard Sri G.V.Subba Rao, learned counsel for the applicant and Sri C.V.Malla Reddy, learned Standing Counsel for the respondents.

2. This OA is filed praying for passing orders to set aside the order dt. 14.2.1992 passed by the Presiding officer, Labour Court, Guntur in CMP/6 of 86 and for a further directions (i) to pay a sum of Rs.6,437/- towards Travelling Allowance for the years 1983, 1984 and 1985, (ii) to pay the difference of pay for the month of January, 1984 and proper fixation of salary with effect from 1.8.1983 due to restructuring and its arrears of pay amounting to Rs.3,755-35 ps. and (iii) T.T.A. for the month of April, 1983 amounting to Rs.140/- instead of Rs.120/- as ordered by the Labour Court, Guntur.

3. The first claim of the applicant is to pay outstanding Travelling Allowance dues amounting to Rs.6,437/- for the years 1983, 1984 and 1985. The applicant was working as Relieving Assistant Station Master with Headquarters at Donakonda from 14.4.1983 and with Headquarters at Narsaraopet from April, 1984 to October, 1985. During that period he was ordered to work in places of staff on leave and against other casualities outside the Headquarters. For that period, it is alleged that he is entitled for T.A. and the following outstanding dues are to be paid to him.

(i)	T.A. for 4 months of 1983	-	Rs.1,580-00
(ii)	T.A. for 7 months of 1984	-	Rs.1,511-00
(iii)	T.A. for 4 months of 1985	-	Rs.3,346-00

			Rs.6,437-00

(ell)

4. The applicant contends that he was actually performed his duties outside his Headquarters during that period which fact can be verified from the muster rolls maintained at outstations where he went for relieving duties. It is the case of the applicant that the respondents should have verified the muster roll details and he should have been paid the TA dues on that basis. It is further submitted by the applicant that he had submitted a number of representations in this connection to the respondents requesting for payment of the above claim. To substantiate this he has submitted the copies of exhibits W1 to W6 along with his CMp 6/86 filed in the Labour Court, Guntur. The respondents never replied the letters even-though instructions exist that such representations should be disposed off in a time bound schedule preferably within a month as far as possible. (Exhibit W-23). It is further alleged by him that though a welfare Inspector was deputed to find out from him details regarding his grievance, no action has been taken on that basis. Though he admits that TA bills are to be submitted within 3 months, the period of delay can be condoned by the higher officials and hence he should have been paid the T.A. amount due to him. He further submits that he had submitted the TA claims well within time but he had not kept any record regarding his submission of his TA bill in time as the same was of the section and there is no procedure collected by the Peon of the Traffic Inspector to obtain the signature from him. The office of the R-1 failed to keep track of the TA bills and hence R-2 had not paid the dues either as the bills are lost or misplaced.

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(t/b)

5. The respondents in their counter had stated that the TA bills are to be submitted within 3 Calendar months of incurring such expenditure. The payment of T.A. will be made based on the TA journal submitted by the employee. It is further submitted that TA amount totalling Rs.1174/- was paid to the applicant for the year 1983 under Bill Unit 688, T.A. allowance was paid in the year 1984 twice amounting to Rs.1,586/- and Rs.3998/- under Bill Unit No.688 and 683 respectively and twice in the year 1985 amounting to Rs.324/- and 640/- under the Bill Unit No.683 and 625 respectively. It is further submitted that no travelling allowance journal submitted by the applicant is pending and no amount is due to the applicant.

6. Deposition of Ramanjaneyam, in his deposition marked as RW-1 has also confirmed that the amount of TA paid to the applicant during the years 1983, 1984 and 1985 as indicated above and that no other TA bills are pending and also the petitioner is not due for any other TA claim. The Labour court in its finding in regard to this claim had observed that when the respondents have paid the TA bill from Aug., 1983 to Dec., 1983 there is no reason to disbelieve that the respondents would not have paid the TA for the 4 months prior to Aug., 1983 if it was claimed by the petitioners in time i.e. within 3 months from the date of incurring of the expenditure. As reg rds the payment of DA ^{En. 84} it was observed by the Labour court that the petitioner himself had admitted that he was paid TA for 10 months for the year 1984. It is further observed

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by the Labour Court that when the petitioner was paid T.A. for 10 months, he has not made any case how he is entitled for 7 months TA during the year 1984. If he had not submitted his TA bills for January, 1984 and Dec., 1984, he should have produced the records to show that he had claimed the TA for those 2 months which he failed. For the year 1985 also the Labour Court observed that the petitioner had failed to establish the claim by a recorded evidence that he has submitted his TA journals within 3 months for January to April, 1985 and July to October, 1985. There is force in the observation of the Labour Court as there is no recorded evidence of having submitted his TA bills within 3 months of incurring the expenditure even now. In the whole ~~the~~ ^{of} O.A. there is no shred of evidence to prove that he had submitted his claim in time. Even in the rejoinder he has not proved his case conclusively. The mere fact that he had worked in outstation as ~~is~~ evidenced from the musters and diaries are not sufficient proof to buttress his case that he has submitted the T.A. bills in time. If he has handed over the TA bills to the Peon of the Traffic Inspector incharge of the section he should have obtained a signature from the Peon of having handed over the TA bills for the months in question along with the date on which he had handed over the TA bills. The submission of the applicant that obtaining signature is not the procedure and hence he cannot be held responsible for not obtaining the signature from the Peon cannot be accepted as whenever any document is handed over it is the practice in the Govt. to get necessary signature for having submitted such documents.

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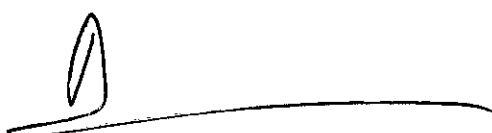
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In all his representations which were produced in the Labour Court as exhibits W1 to W6 there is no indication as to when the TA bills which is alleged to have been unpaid was submitted. In the absence of any recorded evidence, it has to be held that he had not submitted the bills in time and hence he is not entitled for the payment.

7. Submission of TA bills in time is the responsibility of the official who claims it. If the TA bills are not claimed in time, the respondents have no responsibility to pay the same. It is not necessary that even if the grievances is collected by the Welfare Inspector, the payment of TA is not automatic. On that basis if the TA bill is not claimed in time. It is the responsibility of the applicant to approach higher ups for condonation of delay if such rule exists if there is any which he did not choose to do. Hence, I see no reason to interfere with the orders already passed by the Labour Court, Guntur.

8. The second claim of the applicant is for the payment of arrears due to pay fixation on account of his promotion due to restructuring and payment of the difference of pay for the month of Jan., 1984. It is admitted that the applicant was promoted as Station Master to the grade of Rs.425-640 from the grade of Rs.330-560 due to restructuring with effect from 1.8.1982. It is also admitted that the promotion with proforma fixation is from 1.8.1982 and actual pay benefits from 1.8.1983. It is also admitted by the applicant that he was given a punishment of stoppage of increments for 24 months in the scale of Rs.330-560 which was further reduced to 16 months in the scale of Rs.425-640. The applicant has given his fixation chart as per calculation

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in page-5 of the rejoinder. But he has not compared the same with that given by the respondents as per the exhibit R-3 filed in the Labour Court. Even in his rejoinder, the ~~ex~~ applicant has not ~~ex~~ calculated how the claim of Rs.3755/55 ps. was arrived at.

9. The Labour Court had held that the petitioner has been paid an amount of Rs.810-60 ps. as per the exhibit R-4. As the fact of erroneous fixation has to be established by the petitioner by raising an industrial dispute, ^{by the Labour Court, Guntur} he was directed to raise an Industrial Dispute regarding his erroneous pay fixation and payment of arrears thereon.

10. I have examined this issue. The applicant had undergone a punishment of stoppage of increments for 16 months as seen from the service register produced by the respondents as Ex.R-1 in the Labour court. As per the due and drawn statement produced as Exhibit R-4 in the Labour Court, his pay was correctly fixed at Rs.425/- in Aug., 1982 and thereupon given due increments taking into account his punishment of stoppage of increments for 16 months from 1.2.1984 and his pay was raised to Rs.455/- from 1.6.1985. His pay in the scale of Rs.1400-2300 was fixed on that basis on account of introduction of scales of pay as per IV Pay Commission recommendations. It is also seen that an amount of Rs.810-60 ps. has been paid as arrears due to re-fixation. The payment of Rs.810-60 ps. has been admitted by the applicant also. There is no other material available either in the exhibits produced by the applicant in the Labour Court or in his representations addressed to Respondent No.1 or in the rejoinder in the application to show any other fixation arrears. Hence, I come to the

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conclusion that no case has been made out by him for payment of any further arrears in this regard.

11. The next claim of the applicant is that he is entitled for Rs.140/- as TTA claim when he was transferred from Guntakal to Vijayawada. The Labour Court had partly allowed the petitioner's claim and directed the respondents to pay an amount of Rs.120/- to the petitioner within 2 months from the date of that order. In compliance with the orders of the Labour Court the respondents had deposited the amount of Rs.120/- in the Labour Court by cheque No.082983 dt. 24.8.1992. The learned Counsel for the applicant submitted that he did not press for any further arrears in this connection and that the respondents should pay the amount of Rs.120/- forthwith. The learned Standing counsel gracefully agreed that the same will be paid to him. In view of this no further adjudication is necessary in this connection.

12. First respondent in his counter had raised that this OA is barred by limitation. However, in the view I have taken now there is no need to go further into this contention.


13. In the result, the claims for payment of TA arrears for the years 1983, 1984 and 1985 and the difference of pay arrears for the month of January, 1984 and pay fixation arrears on his promotion to the grade of Rs.425-640 on account of restructuring of the cadre are dismissed. First respondent is directed to arrange to pay Rs.120/- towards the TTA arrears within a period of two months from the date



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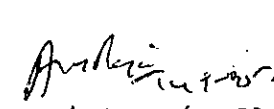
of receipt of a copy of this order.

14. The OA is ordered accordingly. No costs.


(R. Rangarajan)
Member (Admn.)

Dated 12th Sep
Aug., 1995.

Grh.


Deputy Registrar (Judl.)

Copy to:-

1. Senior Divisional Personnel Officer, South Central Railway, Vijayawada.
2. Senior Divisional Personnel Officer, South Central Railway Guntakal.
3. One copy to Sri. G.V. Subba Rao, advocate, CAT, Hyd.
4. One copy to Sri. C.V. Malla Reddy, SC for Rlys, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

O.A. 359/93

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

R. Ranga Raju

HON'BLE MR. ~~M.B. GORTI~~, ADMINISTRATIVE MEMBER.

HON'BLE MR.

JUDICIAL MEMBER.

ORDER/JUDGEMENT:

DATED: 12/9/1995.

~~M.A./P.A./C.A.NO.~~

IN

O.A.NO.

359/93

~~T.A.NO.~~

~~(W.P.NO.)~~

ADMITTED AND INTERIM DIRECTIONS ISSUED.

ALLOWED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

DISMISSED FOR DEFAULT.

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

Rsm/-

No spare copy

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